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Total Number of Pages in This Submission

Application Number	10/098,834
Filing Date	March 15, 2002
First Named Inventor	Ganem, et al.
Art Unit	1616
Examiner Name	QAZI, S.
Total Number of Pages in This Submission	10845-139

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Stephen J. Gaudet Reg. No.: 48,921
Signature	
Date	9/18/03

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Applicant: Ganem *et al.*)
Serial No.: 10/098,834)
Filed: March 15, 2002)
Title: Enone Cancer Therapeutics)
Docket No.: 10845-139)

)

Art Unit: 1616
Examiner: Qazi, S.

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By:


Stephen J. Gaudet
Reg. No. 48,921
Attorney for Applicants

REPLY TO RESTRICTION REQUIREMENT

Sir:

In response to a Restriction Requirement dated August 22, 2003, Applicants file the following reply.

Pursuant to 35 USC § 121 Applicants Required to Elect a Single Species

The Examiner contends that the present application [sic] "contains claims 1-47 directed to the following patentably distinct species of the claimed invention: Contain numerous, composition and methods of treating cancer having different class of enone compounds ... and therapeutically active steroid derivatives of sex hormones ..."'

Applicants strongly disagree with this restriction requirement. However, Applicants understand that upon receiving a restriction requirement an election must be made in order to proceed with prosecution. Therefore, Applicants elect with traverse, the compound COMC 7 where X is oxygen and R is testosterone. For example, the Examiner is directed to claim 1 where COMC 7 is labeled "7" and X is oxygen and R is testosterone. This is a single species and complies with the Examiner's demand.

Applicants assert that the claimed invention comprises one distinct invention. Enones are well recognized class of organic compounds. They have a specific structure and chemistry. It is not proper to restrict a single invention. As MPEP § 806.05 states:

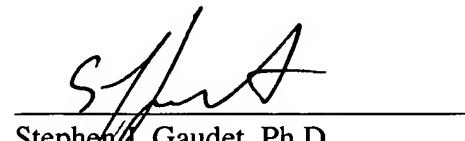
Where two or more related inventions are being claimed, the principle question to be determined in connection with a requirement to restrict or a rejection on the ground of double patenting is whether or not the inventions as claimed are distinct. If they are distinct, restriction may be proper. If they are not distinct, restriction is NEVER proper. [underline and emphasis added]

The presently claimed invention is directed toward enone compounds that can be used in cancer therapeutics. Applicants assert that the claimed invention requires an examiner to perform a single search, a search directed toward enones and cancer therapeutics. Hence, a restriction is unwarranted.

Applicants respectfully request reconsideration and withdrawal of this restriction requirement.

The Examiner is invited to call the undersigned attorney at (617) 854-4237 should he determine that a telephonic interview would expedite prosecution of this case.

Respectfully submitted,



Stephen A. Gaudet, Ph.D.
Attorney for Applicant
Reg. No. 48,921

Date: 9/18/03